

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Appl. No.:** : 09/704,569 **Confirmation No.** 2337  
**Applicant:** : Rodriguez, et. al.  
**Filed:** : November 3, 2000  
**Group Art Unit:** : 3628  
**Examiner:** : Robinson Boyce, Akiba K.  
**Docket No.** : AUS920000488US1  
**Customer No.** : 40412

Commissioner for Patents  
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3/02/2007  
Date

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the Office Action having a mailing date of December 4, 2006, Applicants respectfully request review of the rejections to the claims in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

No fees are believed to be necessary. If, however, a fee is required, the undersigned hereby authorizes the Commissioner to charge any fees to Van Leeuwen & Van Leeuwen, Deposit Account No. 50-3754.

**REMARKS****Status of the Claims**

Claims 1, 3-10, 14, 15, 18, 20-23, 25, 27, 28, 30-33, 35, and 37-41 are currently present in the Application, and claims 1, 18, and 28 are independent claims.

Claims 1, 3, 18, 20, 28, and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chong, U.S. Patent Publication No. 2002/0111845 (hereinafter Chong). Claims 25, 35, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong in view of Gershman et al., U.S. Patent No. 6,401,085 (hereinafter Gershman). Claims 4-10, 21-23, and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong in view of Levine, U.S. Patent No. 6,076,121 (hereinafter Levine). Claims 14, 15, 27, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong in view of Berman et al., U.S. Patent No. 5,995,939 (hereinafter Berman). Claims 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong in view of Felger, U.S. Patent No. 6,553,108 (hereinafter Felger). Applicants respectfully traverse the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103.

**Prosecution History**

Applicants have previously appealed this Application twice, and once more it appears that we are headed to Appeal. Applicants filed a first appeal brief on June 27, 2005, after which the Examiner re-opened prosecution with a new, non-final office action. Applicants filed a second appeal brief on July 13, 2006, followed by an amended appeal brief on August 10, 2006 (submitted to overcome minor informalities with the appeal brief filed on July 13). The Examiner responded by re-opening prosecution yet again, with another non-final office action mailed December 4, 2006. Applicants are concerned with the delays in prosecuting this Application. It is time to allow the claims or let the appeal go forward to the Board of Patent Appeals and Interferences (BPAI). Unfortunately, as discussed in greater detail below, the currently cited prior art does not support the rejections of Applicants' claims. Applicants are concerned that, based on the cited prior art, the Examiner will once again respond to Applicants' appeal brief by re-opening prosecution with yet another non-final office action.

These delays are not acceptable. Applicants respectfully request one of two outcomes from this Pre-Appeal Brief Request For Review – either 1. allow Applicants' claims or 2. allow the Application to proceed to the BPAI for a full hearing on the merits.

**The Currently Cited Prior Art Does Not Support A Rejection Under 35 U.S.C. § 102**

Independent claims 1, 18, and 28 are rejected under 35 U.S.C. § 102(e) based on Chong. Chong does not support a rejection under 35 U.S.C. § 102 as Chong does not teach every element of Applicants' independent claims. Using independent claim 1 as an exemplary claim, Applicants teach and claim the following:

- scheduling the travel arrangements using a computer system;
- recording the scheduled travel arrangements on a nonvolatile storage device connected to the computer system; and
- sending one or more automated requests corresponding to the travel arrangements from the computer system to one or more service agents, wherein the automated requests are based on a traveler's user profile, and wherein at least one of the service agents are selected from the group consisting of a delivery service agent, a telephone system, an electronic calendar system, and a medical information system.

The Office Action cites Chong at page 6, col. 1, step 4, as teaching "sending one or more automated service requests corresponding to the travel arrangements from the computer system to one or more service agents, wherein the automated requests are based on a user's travel profile, and . . . ." The cited section of Chong is a table that lists Meeting Planner Software Features. Feature 4 reads as follows:

4. Service Requests/Orders

- A. Generates detailed service requests for any vendor based on entered data.
- B. Tracks status of service requests, annotations, change orders, replies.
- C. Generates purchase confirmations and vouchers via e-mail in real-time.

The cited section of Chong does not read on Applicants' claimed element of sending one or more automated service requests. Applicants specifically claim that the automated service requests 1. correspond to the travel arrangements, 2. are sent from the computer system (i.e. the computer system on which the travel arrangements have been made) to one or more service agents, and 3. are based on a user's travel profile. The cited section of Chong simply does not teach an automated service request that meets all of these claim limitations. In fact, the cited section of Chong does not really say much at all about Service Requests/Orders. The Service Requests/Orders feature is never mentioned anywhere else in Chong, other than in this table of Meeting Planner Software Features. There is absolutely no discussion of this feature in Chong, and it is difficult to determine the purpose of this feature.

Chong does state that the service requests are generated "for any vendor based on entered data." Applicants have searched through Chong's publication and found references to "vendors" in several places, including, for example, paragraph [0007], paragraph [0018], paragraph [0030], paragraph [0034], and paragraph [0039]. Vendors are also mentioned several times in the table of Meeting Planner Software Features (see, for example, 1.A., 2.A., 2.B., and 5.D.). However, whenever Chong discusses vendors, it appears to pertain to vendors who provide services at the meeting location, such as perhaps a food service vendor who provides food for the meeting (see Chong, paragraph [0018] which discusses "trusted local vendors"). In Figure 2, Chong also mentions "vendor fulfillment" in the "hospitality" area, and so again this may refer to a vendor who provides hospitality services at the meeting.

It is difficult to determine with any degree of certainty exactly what is meant by Chong's reference to generating "detailed service requests for any vendor based on entered data." Although a best guess would be that this feature pertains to vendors who provide services at the meeting site, it is actually not clear from Chong's specification. However, it is clear that whatever Chong means by a "detailed service request," it does not read on Applicant's claimed element of "sending one or more automated service requests corresponding to the travel arrangements from the computer system to one or more service agents, wherein the automated requests are based on a user's travel profile." Chong does not teach that the service requests correspond to any travel arrangements. In fact, it could very well be that Chong's service requests are merely orders for food and drinks at the meeting. Chong does not teach that the service requests are sent from the computer system, i.e. the computer system that is specifically

claimed to be the computer system that makes the travel arrangements. And finally, Chong does not teach that the service requests are based on a user's travel profile. Chong does state that the service requests are based on "entered data," but Chong does not specify on which entered data. The Office Action points to paragraph [0027] and tries to make the case that the same data that is entered for an employee is used to enter a service request for a vendor, but there is simply no support for this assertion in Chong's specification.

In short, Chong does not anticipate Applicants' independent claims under 35 U.S.C. § 102. Rather than discuss each of the dependent claims at this point, Applicants refer to the arguments set forth in the Appeal Brief filed August 10, 2006 (see pages 12-32 for a full discussion of Gershman, Levine, Berman, and Felger).

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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